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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 034017R003 4925 10/623,716 07/22/2003 Matthew Hayduk EXAMINER 441 7590 09/30/2005 SMITH, GAMBRELL & RUSSELL, LLP CARTAGENA, MELVIN A 1850 M STREET, N.W., SUITE 800 PAPER NUMBER ART UNIT WASHINGTON, DC 20036 3754

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)	
Office Action Summary	10/623,716	HAYDUK, MATTHEW	
	Examiner	Art Unit	
	Melvin A. Cartagena	3754	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be to the second will expire SIX (6) MONTHS from the application to become ABANDON	ON. imely filed m the mailing date of this communication. IED (35 U.S.C. § 133).	
Status			
1) Responsive to communication(s) filed on 2a) This action is FINAL. 2b) This 3) Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters, p		
Disposition of Claims			
4) ⊠ Claim(s) <u>1-55</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdray 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ⊠ Claim(s) <u>1-55</u> are subject to restriction and/or expressions.	vn from consideration.		
Application Papers		·	
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acce Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	epted or b) objected to by the drawing(s) be held in abeyance. S ion is required if the drawing(s) is o	ee 37 CFR 1.85(a). objected to. See 37 CFR 1.121(d).	
Priority under 35 U.S.C. § 119			
 12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priority application from the International Bureau * See the attached detailed Office action for a list 	s have been received. s have been received in Applica rity documents have been recei u (PCT Rule 17.2(a)).	ation No ved in this National Stage	
Attachment(s) 1) Notice of References Cited (PTO-892)	4) ☐ Interview Summa	ry (PTO-413)	
Notice of References Cited (F10-692) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/Mail		

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DETAILED ACTION

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Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-44, drawn to a dispensing module, classified in class 222, subclass 538.
 - II. Claims 45-50, drawn to a mixing module, classified in class 222, subclass 145.5.
 - III. Claim 51, drawn to a mixing module, classified in class 222, subclass 145.2.
 - IV. Claims 52-54, drawn to a method of assembly, classified in class 29, subclass700.
- V. Claim 55, drawn to a method of dispensing, classified in class 222, subclass 1.

 The inventions are distinct, each from the other because of the following reasons:
- 2. Inventions I, II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because combination of claim one does no require the compression means of the subcombination claimed in claim 1 nor the rod of the subcombination claimed in claim 45. The subcombination has separate utility such as hydraulic piston actuator.
- 3. Inventions III, IV and V are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product

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as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product claimed in claim 51 can be used to dispense a liquid paint. The assembling method claimed in claim 52 can be used to assembly a piston and cylinder arrangement in a plastic extrusion machine.

- 4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 5. A telephone call was made to Dennis C. Rodgers on September 27, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin A. Cartagena whose telephone number is (571) 272-4924. The examiner can normally be reached on M-F (7:30AM to 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAC 9/27/05 MAC

Prederick Nicolas Primary Examiner Art unit 3754

9/27/05